

(3) Heavy-duty highway diesel engines (see 40 CFR part 86).

(4) Aircraft engines (see 40 CFR part 87).

(5) Locomotive engines (see 40 CFR part 92).

(6) Land-based nonroad diesel engines (see 40 CFR part 89).

(7) General marine engines (see 40 CFR parts 89 and 94).

(8) Marine outboard and personal watercraft engines (see 40 CFR part 91).

(9) Small nonroad spark-ignition engines (see 40 CFR part 90).

(c) This part is addressed to you as a manufacturer, but it applies equally to anyone who does testing for you, and to us when we conduct testing to determine if you meet emission standards.

(d) Paragraph (a) of this section identifies the parts of the CFR that define emission standards and other requirements for particular types of engines. In this part 1065, we refer to each of these other parts generically as the “standard-setting part.” For example, 40 CFR part 1051 is always the standard-setting part for snowmobiles. Follow the standard-setting part if it differs from this part.

(e) For equipment subject to this part and regulated under equipment-based or vehicle-based standards, interpret the term “engine” in this part to include equipment and vehicles (see 40 CFR 1068.30).

EFFECTIVE DATE NOTE: At 69 FR 39260, June 29, 2004, § 1065.1 was amended by revising paragraph (a) and removing and reserving paragraph (b)(6), effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 1065.1 Applicability.

(a) This part describes the procedures that apply to testing that we require for the following engines or for equipment using the following engines:

(1) Large nonroad spark-ignition engines we regulate under 40 CFR part 1048.

(2) Vehicles that we regulate under 40 CFR part 1051 (*i.e.*, recreational SI vehicles) that are regulated based on engine testing. See 40 CFR part 1051 to determine which vehicles may be certified based on engine test data.

(3) Land-based nonroad compression-ignition engines we regulate under 40 CFR part 1039.

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§ 1065.5 Overview of test procedures.

(a) Some of the provisions of this part do not apply to all types of engines. For example, measurement of particulate matter is generally not required for spark-ignition engines. See the standard-setting part to determine which provisions in this part may not apply. Before using this part's procedures, read the standard-setting part to answer at least the following questions:

(1) How should I warm up the test engine before measuring emissions? Do I need to measure cold-start emissions during this warm-up segment of the duty cycle?

(2) Do I measure emissions while the warmed-up engine operates over a steady-state schedule, a transient schedule, or both?

(3) What are the speed and load points of the test cycle(s)?

(4) Which exhaust constituents do I need to measure?

(5) Does testing require full-flow dilute sampling? Is raw sampling acceptable? Is partial-flow dilute sampling acceptable?

(6) Do any unique specifications apply for test fuels?

(7) What maintenance steps may I do before or between tests on an emission-data engine?

(8) Do any unique requirements apply to stabilizing emission levels on a new engine?

(9) Do any unique requirements apply to testing conditions, such as ambient temperatures or pressures?

(10) Are there special emission standards that affect engine operation and ambient conditions?

(11) Are there different emission standards that apply to field testing under normal operation?

(b) The following table shows how this part divides testing specifications into subparts:

This subpart...	Describes these specifications or procedures...
Subpart A	General provisions for test procedures.
Subpart B	Equipment for testing.
Subpart C	Fuels and analytical gases for testing.
Subpart D	How to calibrate test equipment.

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This subpart...	Describes these specifications or procedures...
Subpart E	How to prepare engines for testing, including service accumulation.
Subpart F	How to test for emissions.
Subpart G	How to calculate emission levels from measured data.
Subpart H	[Reserved].
Subpart I	How to measure emissions from engines fueled with an oxygenated fuel such as methanol or ethanol.
Subpart J	How to do field testing of in-use vehicles and equipment.
Subpart K	Definitions, abbreviations, and other reference information that apply to emission testing.

§ 1065.10 Other test procedures.

(a) *Your testing.* These test procedures apply for all testing that you do to show compliance with emission standards, with a few exceptions listed in this section.

(b) *Our testing.* These test procedures generally apply for testing that we do to determine if your engines comply with applicable emission standards. We may conduct other testing as allowed by the Act.

(c) *Exceptions.* You may be allowed or required to use test procedures other than those specified in this part in the following cases:

(1) The test procedures in this part are intended to produce emission measurements equivalent to those that would result from measuring emissions during in-use operation using the same engine configuration installed in a piece of equipment. If good engineering judgment indicates that use of the procedures in this part for an engine would result in measurements that are not representative of in-use operation of that engine, you must notify us. If we determine that using these procedures would result in measurements that are significantly unrepresentative and that changing the procedures will result in more representative measurements and not decrease the stringency of emission standards, we will specify changes to the procedures. In your notification to us, you should recommend specific changes you think are necessary.

(2) You may ask to use emission data collected using other test procedures, such as those of the California Air Resources Board or the International Organization for Standardization. We will allow this only if you show us that these data are equivalent to data collected using our test procedures.

(3) You may ask to use alternate procedures that produce measurements equivalent to those from the specified procedures. If you send us a written request showing your procedures are equivalent, and we agree that they are equivalent, we will allow you to use them. You may not use an alternate procedure until we approve them, either by: telling you directly that you may use this procedure; or issuing guidance to all manufacturers, which allows you to use the alternate procedure without additional approval.

(4) You may ask to use special test procedures if your engine cannot be tested under the specified procedures (for example, your engine cannot operate on the specified transient cycle). In this case, tell us in writing why you cannot satisfactorily test your engines using this part's procedures and ask to use a different approach. We will approve your special test procedures if we determine they would produce emission measurements that are representative of those that would result from measuring emissions during in-use operation. You may not use special procedures until we approve them.

(5) The standard-setting part may contain other specifications for test procedures that apply for your engines. In cases where it is not possible to comply with both the test procedures in those parts and the test procedures in this part, you must comply with the test procedures specified in the standard-setting part. Those other parts may also allow you to deviate from the test procedures of this part for other reasons.

EFFECTIVE DATE NOTE: At 69 FR 39260, June 29, 2004, §1065.10 was amended by revising paragraph (c)(3), effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 1065.10 Other test procedures.

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